

108TH CONGRESS  
1ST SESSION

# H. R. 1006

---

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2003

Received

---

## AN ACT

To amend the Lacey Act Amendments of 1981 to further  
the conservation of certain wildlife species.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Captive Wildlife Safety  
3 Act”.

4 **SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.**

5       Section 2 of the Lacey Act Amendments of 1981 (16  
6 U.S.C. 3371) is amended—

7           (1) by redesignating subsections (g) through (j)  
8       as subsections (h) through (k), respectively; and

9           (2) by inserting after subsection (f) the fol-  
10      lowing:

11       “(g) PROHIBITED WILDLIFE SPECIES.—The term  
12 ‘prohibited wildlife species’ means any lion, tiger, leopard,  
13 cheetah, jaguar, or cougar species, or any hybrid of such  
14 a species.”.

15 **SEC. 3. PROHIBITED ACTS.**

16       (a) IN GENERAL.—Section 3 of the Lacey Act  
17 Amendments of 1981 (16 U.S.C. 3372) is amended—

18           (1) in subsection (a)—

19               (A) in paragraph (2)—

20                   (i) in subparagraph (A), by striking “,  
21                   or” at the end and inserting a semicolon;

22                   (ii) in subparagraph (B), by inserting  
23                   “or” after the semicolon at the end; and

24                   (iii) by adding at the end the fol-  
25      lowing:

1           “(C) any live animal of a prohibited wild-  
2 life species (subject to subsection (e));”;

3           (B) in paragraph (3)(B), by inserting “or”  
4 after the semicolon at the end; and

5           (C) in paragraph (4), by striking “para-  
6 graphs (1) through (4)” and inserting “para-  
7 graphs (1) through (3)”;

8           (2) by adding at the end the following:

9           “(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE  
10 SPECIES OFFENSE.—

11           “(1) IN GENERAL.—Subsection (a)(2)(C) does  
12 not apply to importation, exportation, transpor-  
13 tation, sale, receipt, acquisition, or purchase of an  
14 animal of a prohibited wildlife species, by a person  
15 that, under regulations prescribed under paragraph  
16 (3), is described in paragraph (2) with respect to  
17 that species.

18           “(2) PERSONS DESCRIBED.—A person is de-  
19 scribed in this paragraph, if the person—

20           “(A) is licensed and inspected by the Ani-  
21 mal and Plant Health Inspection Service with  
22 respect to that species;

23           “(B) is a State college, university, or agen-  
24 cy, State-licensed wildlife rehabilitator, or  
25 State-licensed veterinarian;

1           “(C) is an accredited wildlife sanctuary  
2           that cares for prohibited wildlife species and—

3           “(i) is a corporation that is exempt  
4           from taxation under section 501(a) of the  
5           Internal Revenue Code 1986 and described  
6           in sections 501(c)(3) and 170(b)(1)(A)(vi)  
7           of such Code;

8           “(ii) does not commercially trade in  
9           animals listed in section 2(g), including  
10          offspring, parts, and byproducts of such  
11          animals;

12          “(iii) does not propagate animals; and

13          “(iv) does not allow direct contact be-  
14          tween the public and animals; or

15          “(D) has custody of the animal solely for  
16          the purpose of expeditiously transporting the  
17          animal to a person described in this paragraph  
18          with respect to the species.

19          “(3) REGULATIONS.—Not later than 180 days  
20          after the date of enactment of this subsection, the  
21          Secretary, in cooperation with the Director of the  
22          Animal and Plant Health Inspection Service, shall  
23          promulgate regulations describing the persons de-  
24          scribed in paragraph (2).

1           “(4) STATE AUTHORITY.—Nothing in this sub-  
2           section preempts or supersedes the authority of a  
3           State to regulate wildlife species within that State.”.

4           (b) APPLICATION.—Section 3(a)(2)(C) of the Lacey  
5   Act Amendments of 1981 (as added by subsection  
6   (a)(1)(A)(iii)) shall apply beginning on the effective date  
7   of regulations promulgated under section 3(e)(3) of that  
8   Act (as added by subsection (a)(2)).

          Passed the House of Representatives November 19,  
2003.

Attest:

JEFF TRANDAHL,

*Clerk.*